

CITY COUNCIL REPORT



MEETING DATE: January 25, 2005

ITEM NO. 10 GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Raintree Corporate Center - 33-ZN-1997#3

REQUEST

Request:

1. To approve site plan/stipulation amendments to case 33-ZN-1997#2 on 11+/- acres located at the northeast corner of Raintree Drive and the Loop 101 frontage road with Central Business District (C-2) zoning.
2. To adopt Ordinance No. 3604 affirming the above site plan and stipulation amendments.

Key Items for Consideration:

- The General Plan designates this area as Employment with a Regional Use Overlay.
- Adjacent land uses are zoned commercial and industrial districts.
- The city's interest in GLO easements on the site were abandoned in 1999.
- The new site plan provides office uses.
- There is no known opposition.
- Planning Commission recommended approval, 5-0.

Related Policies, References:

- 33-ZN-1997#2
- 9-ZN-2004 for the adjacent property to the north is running concurrent with this case.

OWNER

Raintree Corporate Center Holdings LLC
480-627-7000

APPLICANT CONTACT

Kathy Zvara
Cavan Investments
480-627-7000

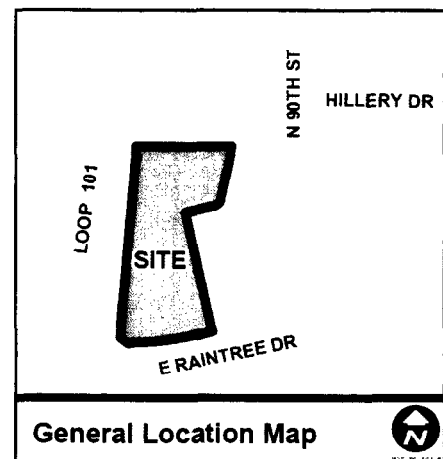
LOCATION

8800 E Raintree Dr

BACKGROUND

General Plan.

The City General Plan Land Use Element designates the property as Employment with a Regional Use Designation. The Regional Use Designation is intended to encourage land uses that serve a regional market. Regional land uses include corporate offices, major medical and educational facilities, and other uses having a regional draw that enhances the City's employment core and attractiveness to regional markets.



Zoning.

The site is currently zoned Central Business District (C-2), which allows for a variety of commercial and office uses.

Context.

To the north of this property is vacant land zoned (R1-35) for single-family homes. The owner of the western 2 +/- acres of that vacant property to the north is requesting a rezoning to Industrial District (I-1) in a separate application (9-ZN-2004). Further north are commercial office uses zoned I-1 District. To the south are existing offices zoned Service Residential District, Planned Community Development (S-R, PCD), and beyond the offices are single-family homes zoned R-4, PCD. Beyond the Pima Freeway to the west is the Northsight mixed-use development consisting of existing retail and office buildings. To the east are existing single-story office buildings zoned Industrial Park District (I-1). The nearest residence is located over 500 feet to the east and south of the site.

There is a concurrent rezoning case for the adjacent property to the north (9-ZN-2004), which proposes to rezone the 2-acre property from the R1-35 District to the I-1 District. Both applicants have coordinated shared access stipulations.

History.

In 1998, the property was rezoned from Industrial District (I-1) to Central Business District (C-2) with case 33-ZN-1997#2. The stipulations from that case require all new construction on the property to conform to the approved site plan. The site plan approved in the previous case depicted a more retail orientated plan on the south half with a future hotel on the north half (see Attachment #11).

**APPLICANT'S
PROPOSAL**

Goal/Purpose of Request.

The applicant proposes a new site plan and modified stipulations for the 11 +/- acre property at the northeast corner of the Pima Freeway and Raintree Drive. The immediate corner of Raintree and the freeway will be developed with a three-story (36 ft.) office building. The northern portion of the site will comprise of one or more of the following uses in the future: office, retail, and/or hotel. All parking for the site will be at grade or with support parking structure. Access to the site comes from the existing driveway off of Raintree Drive and from the Pima Freeway frontage road. The applicant has coordinated cross access agreements with the adjacent north property owner for a secondary access point onto the Pima Freeway Frontage Road.

Development Information.

- *Existing Use:* Vacant
- *Parcel Size:* 11.5 +/- acres
- *Building Height Allowed in C-2:* 36 feet
- *Floor Area Ratio Allowed in C-2:* 0.8 of net lot area
- *Setbacks:* 50 feet adjacent to residential districts

IMPACT ANALYSIS**Land Use.**

The proposed site plan shows office uses and parking that are consistent with the regional land uses that promote employment activities appropriate along the freeway corridor, including manufacturing and processing, research and development, and office operations. Unlike most of the 100+ acre Northsight development, this site was contingent upon a site plan because of its relation to the nearby residences to the south and east. The applicant is requesting that a more general site plan be approved at the zoning level. A development agreement stipulation from the previous case ensures no drive-thru restaurants at this site and requires that if a hotel is built it will not be an economy type hotel.

Traffic.

The request to modify the site plan and case stipulations will not alter the existing zoning on the site. The allowed land uses will not change with this application. Much of the retail development that was planned for this site has occurred on the west side of the freeway in the Northsight Development. The proposed development plan is comprised of primarily general office land use with some support retail land use. It is not anticipated that there will be an increase in site-generated traffic.

Primary site access will be from Raintree Drive and the Pima Freeway frontage road. The site also has access to 90th Street established by cross access easements. Staff has been working with the applicant and the adjacent property owner to secure a cross access easement with the property to the north, which will provide secondary access to the Pima Freeway frontage road.

Water/Sewer.

There exist water and sewer lines along the Pima Freeway frontage road and Raintree Drive. The developer of this property will be responsible for extending lines necessary to serve this site.

Police/Fire.

The site plan is not expected to impact police or fire services. The nearest fire station is located within two miles of this site at Raintree Drive and Hayden Road.

GLO Easements.

In 1999, the City abandoned its interest in the Government Land Office (GLO) patent easements found throughout the site (Case 8-AB-1999). On the adjacent property to the north, the GLO easement along the southern property line is still in place. That applicant is proposing a cross access easement in the same location as the GLO easement along that south property line to provide access to the subject property in this case.

Community Involvement.

The surrounding property owners have been notified, the site has been posted, and the applicant held an open house to discuss the new site plan. Other than from an adjacent property owner, there has been little or no interest from

surrounding property owners. The applicant has coordinated cross access agreements with the adjacent property owner to the north to a secondary access to the frontage road. Other than general inquiries, there has been no comment regarding this proposal.

Community Impact.

The revised site plan meets the intent of the General Plan Land Use and Regional Use Overlay by providing a corporate office type development. The site plan is appropriate from a traffic standpoint by utilizing already developed master circulation plans and access points. The change in site plan is reflective of the more retail oriented development occurring to the west in the Northsight development. The result of the site plan modification allows the potential for two corporate office uses with direct freeway frontage and access.

**OTHER BOARDS AND
COMMISSIONS****Planning Commission.**

The Planning Commission heard this case on December 15, 2004 and recommended approval, 5-0.

**STAFF
RECOMMENDATION****Recommended Approach:**

Staff recommends approval, subject to the attached stipulations.

**RESPONSIBLE
DEPT(S)**


Planning and Development Services Department
Current Planning Services


STAFF CONTACT(S)

Bill Verschuren
Senior Planner
480-312-7734
E-mail:
bverschuren@ScottsdaleAZ.gov

Randy Grant
Chief Planning Officer
480-312-7995
E-mail: rgrant@ScottsdaleAZ.gov

APPROVED BY


Kandy Grant
Chief Planning Officer
1/7/05
Date


Ed Gawf
Deputy City Manager
1/7/05
Date

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Ordinance No. 3604
Exhibit 1. Stipulations
Exhibit 2. Site Plan
6. Additional Information
7. Citizen Involvement
8. City Notification Map
9. Proposed Access Exhibit
10. Reciprocal Access Easement Exhibit B
11. Approved Site Plan from Case 33-ZN-97#2
12. December 1, 2004 Planning Commission Minutes
13. December 15, 2004 Planning Commission Minutes
14. Proposed Site Plan

Project Narrative
NEC Raintree Drive and Loop 101 Frontage Road

This application concerns the approximate 11.5 acre property located at the northeast corner of Raintree Drive and the Loop 101 frontage road. In 1998 the property was rezoned, in case 33-ZN-97#2, from I-1 to C-2, subject to several stipulations. Stipulation number 1 from case 33-ZN-97#2 requires conformance to the approved site plan, which shows retail uses in the southern portion of the property and a three-story hotel in the northern portion of the property. This application seeks to modify the stipulations from case number 33-ZN-97#2 to permit development consistent with the new site plan submitted herewith. (No rezoning is being requested.)

Under the new site plan, the immediate corner of Raintree and the 101 frontage road will be developed with a three-story, approximate 175,000-square foot office building. To the east are single-story, low-scale office buildings and 90th Street. All parking, which will be on-site, will comply with Scottsdale's Zoning Ordinance and will consist of at-grade parking and a parking structure which will serve both the north and south portions of the subject property.

For the northern portion of the property, Cavan has proposed future development which, depending on market conditions, will comprise one or more of the following uses: Office, Retail, and Hotel. All parking for this site shall be on-site either through at-grade parking or with support of the above parking structure.

Many of the stipulations from 33-ZN-97#2 have already been satisfied. Other stipulations from 33-ZN-97#2 must be modified to permit development consistent with the new site plan. Therefore, for the sake of clarity, we propose that, as a condition to approval of this application, an entirely new set of stipulations be imposed to expressly supercede any existing stipulations on the property.

We believe this request is consistent with the intent of the General Plan's Regional Use Overlay designation on the property, allowing for a mixed-use employment core that will provide neighborhood and regional economic benefits". The new site plan is designed to offer the type of high-quality mixed-use project that is highly desirable in the Pima Freeway corridor.



Raintree Corporate Center III & IV

33-ZN-1997#3

ATTACHMENT #2

Q.S.
34-49



Q.S.
34-49

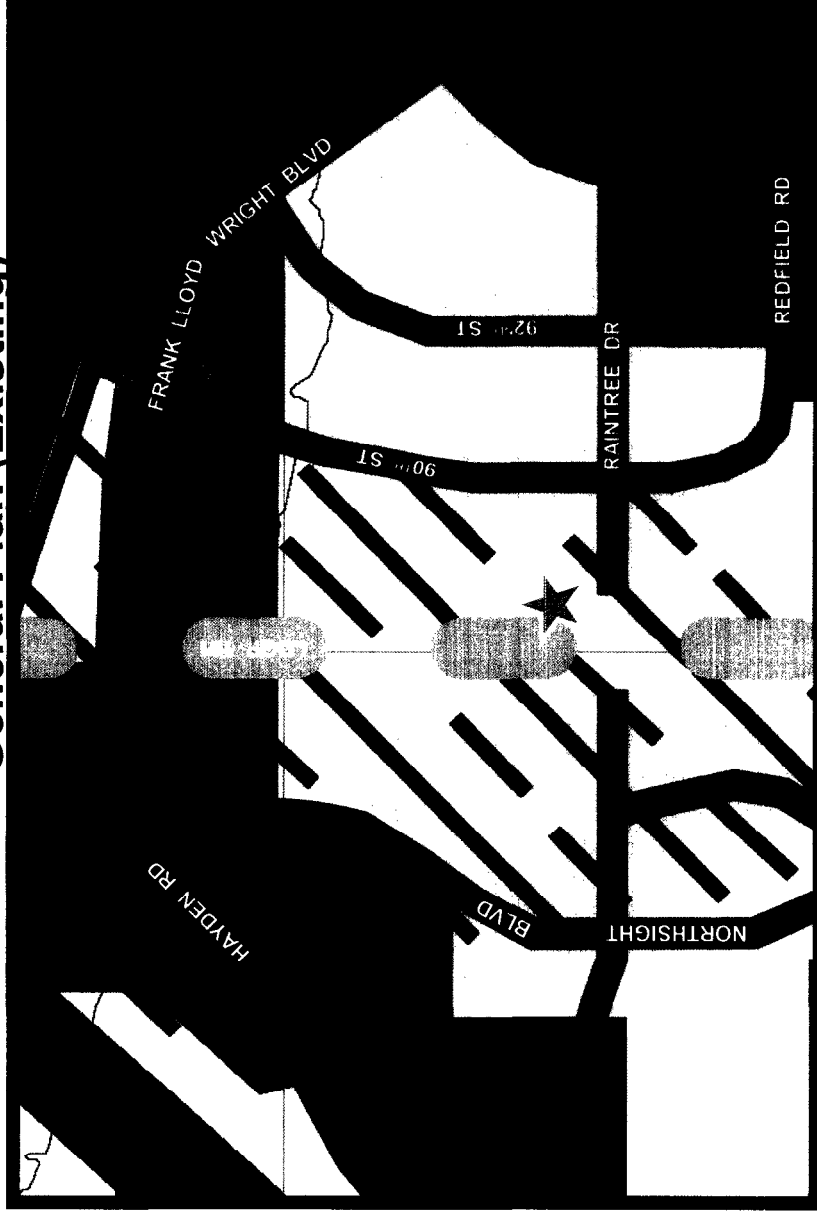
G.I.S. ORTHOPHOTO 2003

Raintree Corporate Center III & IV

33-ZN-1997#3

ATTACHMENT #2A

General Plan (Existing)



- | | | | |
|--|-------------------------|--|--------------------------------------|
| | Rural Neighborhoods | | Commercial |
| | Suburban Neighborhoods | | Office |
| | Urban Neighborhoods | | Employment |
| | Mixed-Use Neighborhoods | | Natural/Open Space |
| | Resorts/Tourism | | Developed Open Space (Parks) |
| | Shea Corridor | | Developed Open Space (Golf Courses) |
| | Mayo Support District | | Cultural/Institutional or Public Use |
| | Regional Use District | | |

McDowell Sonoran Preserve (as of 8/2003)

Recommended Study Boundary of the McDowell Sonoran Preserve

City Boundary

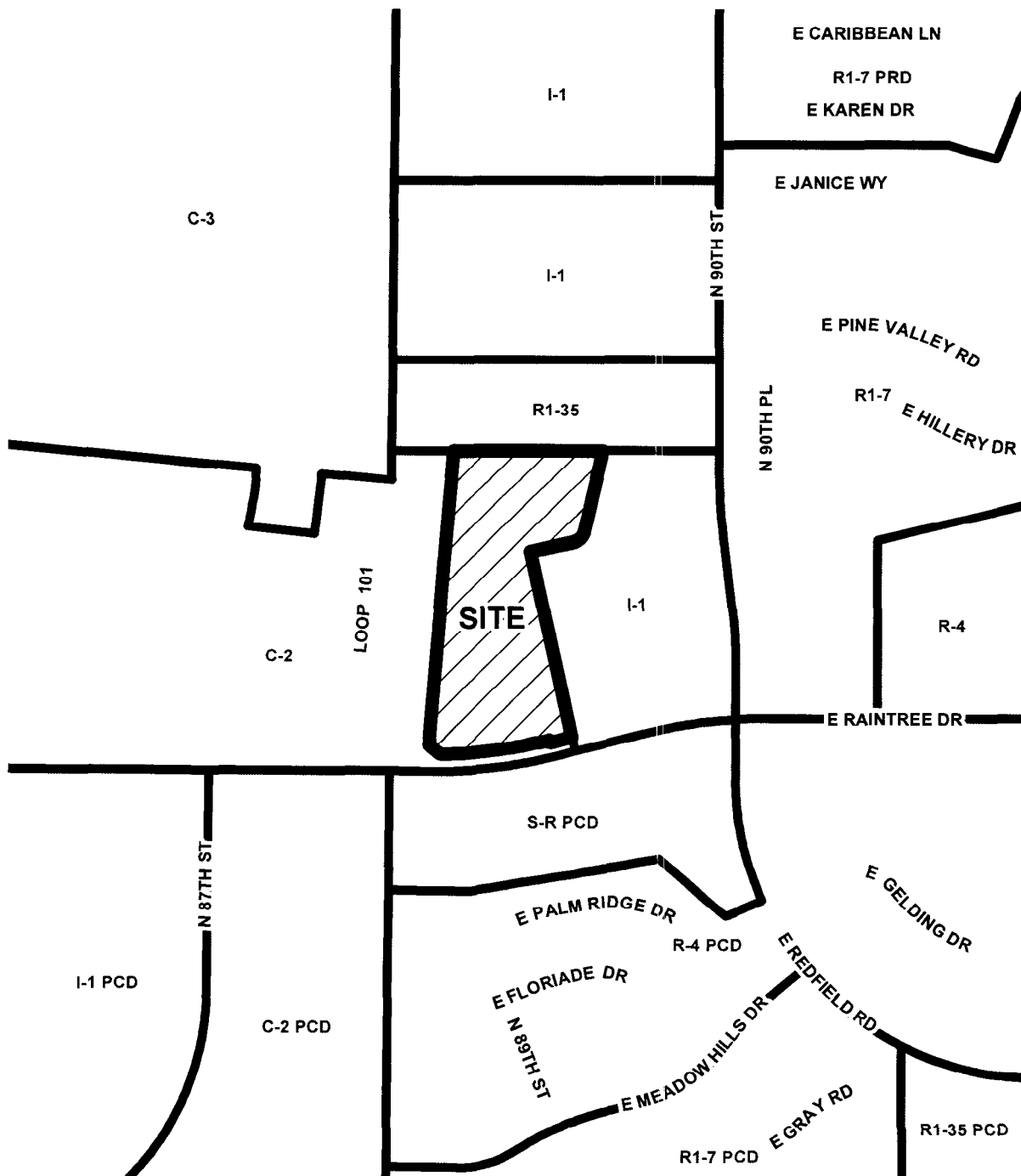
Location not yet determined

Adopted by City Council October 30, 2001
 Ratified by Scottsdale voters March 12, 2002
 revised to show McDowell Sonoran Preserve as of May 2004
 revised to reflect General Plan amendments through June 2004



33-ZN-1997#3
 ATTACHMENT #3

Site plan/stipulation amendments to case 33-ZN-1997#2 at the northeast corner of Raintree Drive and the Loop 101 frontage road with Central Business District (C-2)



33-ZN-1997#3

ATTACHMENT #4

ORDINANCE NO. 3604

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, APPROVING A SITE PLAN WITH STIPULATIONS IN ZONING CASE NO. 33-ZN-1997#3, FOR PROPERTY ON A 11+/- ACRE PARCEL LOCATED AT NORTHEAST CORNER OF RAINTREE DRIVE AND THE PIMA FREEWAY (LOOP 101) FRONTAGE ROAD, WITH C-2 (CENTRAL BUSINESS DISTRICT) ZONING.

WHEREAS, Case No. 33-ZN-1997#3 has been considered by Planning Commission and City Council; and

WHEREAS, the City Council previously adopted Zoning Case No. 33-ZN-1997#2 on August 18, 1998; and

WHEREAS, the Council of the City of Scottsdale wishes to adopt a new site plan and amended stipulations;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

Section 1. That the City Council approves the site plan as provided in Case No. 33-ZN-1997#3, attached hereto as Exhibit 2 and incorporated herein by reference.

Section 2. That the above site plan approval is conditioned upon compliance with all stipulations attached hereto as Exhibit 1 and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 25 day of January, 2005.

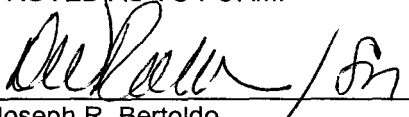
ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
Mary Manross
Mayor

APPROVED AS TO FORM:

By:  _____
Joseph R. Bertoldo
City Attorney

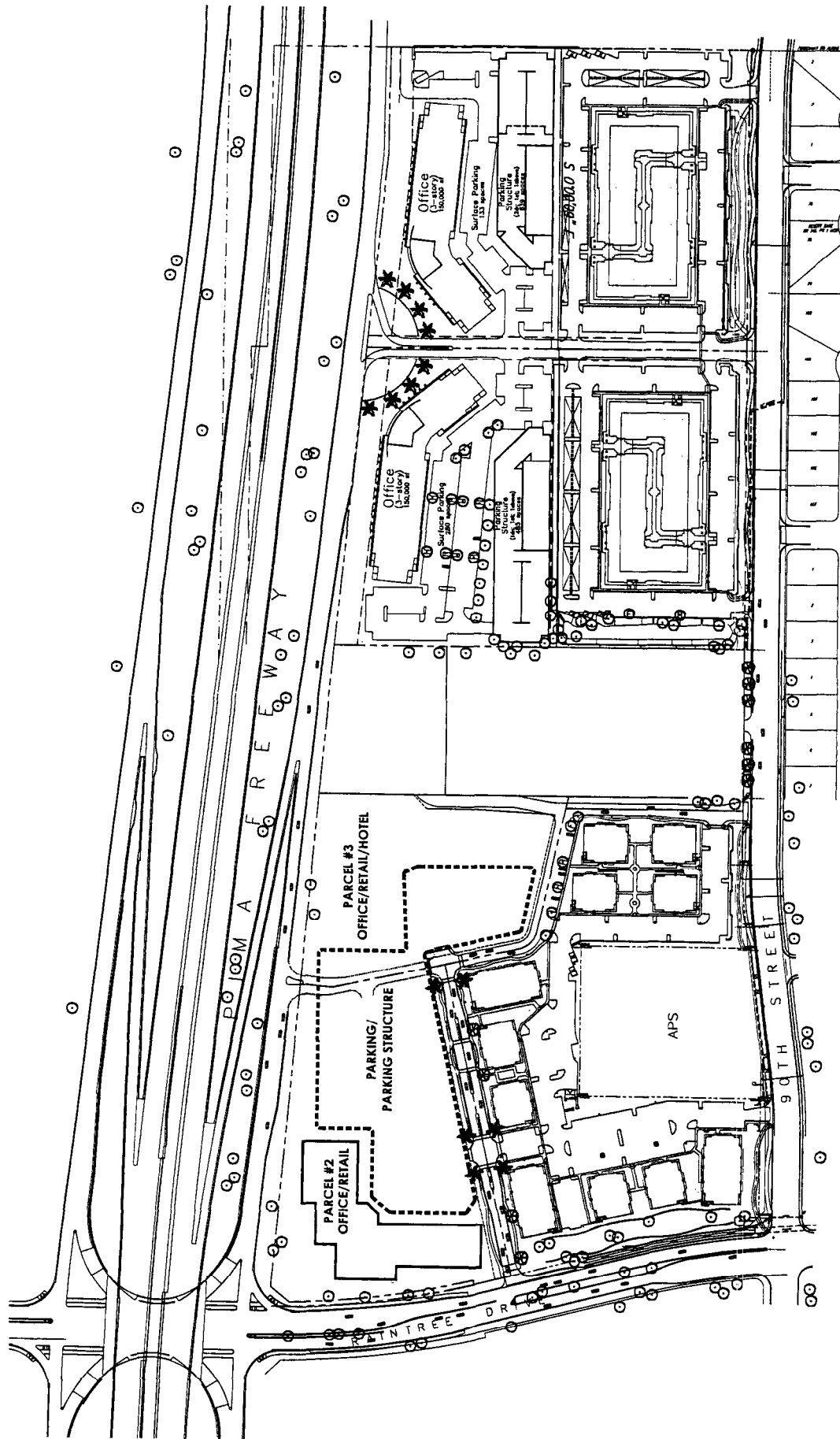
STIPULATIONS FOR CASE 33-ZN-1997#3

PLANNING/ DEVELOPMENT

1. CONFORMANCE TO SITE PLAN. Development of Parcel #2 and #3 shall conform to the site plan submitted by Patrick Hayes Architecture and dated 12/07/04. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. PHASING. If the development of the site will be phased, the developer shall provide a detailed phasing plan with the Development Review Board submittal, to the satisfaction of city staff.
3. DEVELOPMENT AGREEMENT. Prior to the issuance of a certificate of occupancy for any building on Parcel #2 or #3, the owner shall enter into a development agreement with the city which shall provide the following restrictions:
 - a. A hotel shall be permitted on the site, provided, however, that an economy category hotel shall not be permitted on the site. Economy category shall be defined within the development agreement with reference to annual average room rates pursuant to the City of Scottsdale Tourism Study, as updated, or its equivalent.
 - b. No free-standing retail pad shall be used for a drive-thru restaurant.

CIRCULATION

1. ACCESS RESTRICTIONS. Primary site access will be from existing driveways on Raintree Drive, 90th Street, and/or existing or future access to the Pima Freeway Frontage Road.
2. EASEMENT REQUIREMENTS. Before Development Review Board approval for A.P.N. 217-15-944, the developer shall dedicate an access easement across the northern portion of the parcel in a form acceptable to city staff. The access easement shall be a minimum 30 feet wide and dedicated in the location labeled "Proposed Easement (Sherman)" on the Proposed Access Exhibit dated November 24, 2004 (Attachment # 9) to provide access from the adjacent parcel to the north (A.P.N. 217-15-035A) to 90th Street across A.P.N. 217-15-944.
3. PEDESTRIAN CIRCULATION PLAN. With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval. This plan shall indicate the location and width of all sidewalks and pedestrian pathways.



MASTER PLAN

SCALE: 1" = 100'-0"

PATRICK HAYES ARCHITECTURE

Raintree Corporate Center III & IV
 1000 Raintree Drive & 101 Frontage Road
 Glendale, Arizona
 11/20 - Master Plan - 03

Cavan Real Estate Investments
CAVAN

12/2/04

EXHIBIT 2

ADDITIONAL INFORMATION FOR CASE 33-ZN-1997#3

PLANNING/DEVELOPMENT

1. **DEVELOPMENT REVIEW BOARD.** The City Council directs the Development Review Board's attention to:
 - a. Wall design,
 - b. The type, height, design, and intensity of proposed lighting on the site,
 - c. Improvement plans for common open space, common buildings and/or walls, and amenities such as landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included).
 - d. Signage.

ENGINEERING

1. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
2. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.
3. **CITY CONTROL OF ACCESS.** The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.

DRAINAGE AND FLOOD CONTROL

4. **CONCEPTUAL DRAINAGE REPORT.** With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the conceptual drainage report and plan shall:
 - a. Identify all major wash corridors entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- versus post-development discharge comparison of ALL washes which exit the property.
 - b. Determine easement dimensions necessary to accommodate design discharges.
 - c. Demonstrate how the storm water storage requirement is satisfied, indicating the location, volume and drainage area of all storage.
 - d. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the Scottsdale Revised Code.
 - e. Include a complete description of requirements relating to project phasing.

5. **FINAL DRAINAGE REPORT.** With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a final drainage report and plan subject to city staff approval. The final drainage report and plan shall conform to the Design Standards and Policies Manual – Drainage Report and Preparation. In addition, the final drainage report and plan shall:
 - a. Demonstrate consistency with the approved amended Master Drainage Report, entitled “Master Drainage Report Update – Raintree Village and Raintree Corporate Center”.
 - i. Any design that modifies the approved master drainage report requires from the developer a site-specific addendum to the final drainage report and plan, subject to review and approval by the city staff.
 - ii. Addendum generated by the final drainage analysis for this site shall be added to the appendix of the final drainage report.
 - b. Provide final calculations and detailed analysis that demonstrate consistency with the accepted conceptual drainage plan and report.
6. **STORM WATER STORAGE REQUIREMENT.** Before improvement plan approval, the developer shall submit a final drainage report and plan which calculates the storm water storage volume required, V_r , and the volume provided, V_p , using the 100-year, 2-hour storm event.
7. **STORM WATER STORAGE REQUIREMENT.** On-site storm water storage is required for the full 100-year, 2-hour storm event, unless city staff approves the developer's Request for Waiver. See Section 2 of the Design Standards and Policies Manual for waiver criteria.
 - a. If applicable, the developer shall submit to the Community Development Division a Request for Waiver Review form, which shall:
 - i. Include a supportive argument that demonstrates historical flow through the site will be maintained, and that storm water runoff exiting this site has a safe place to flow.
 - ii. Include an estimate for payment in-lieu of on-site storm water storage, subject to city staff approval.
 - b. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained the waiver approval.
8. **STORM WATER STORAGE EASEMENTS.** With the Development Review Board submittal, the developer shall submit a site plan subject to city staff approval. The site plan shall include and identify tracts with easements dedicated for the purposes of storm water storage, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.
9. **DRAINAGE EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all drainage easements necessary to serve the site.

WATER

10. **BASIS OF DESIGN REPORT (WATER).** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
 - a. Identify the location, size, condition and availability of existing water lines and water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc.
 - b. Identify the timing of and parties responsible for construction of all water facilities.
 - c. Include a complete description of requirements relating to project phasing.

11. APPROVED BASIS OF DESIGN REPORT. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report.
12. NEW WATER FACILITIES. Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all water lines and water related facilities necessary to serve the site. Water line and water related facilities shall conform to the city Water System Master Plan.
13. WATERLINE EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code the Design Standards and Policies Manual, all water easements necessary to serve the site.

WASTEWATER

14. BASIS OF DESIGN REPORT (SANITARY SEWER).). Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
 - a. Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities.
 - b. Identify the timing of and parties responsible for construction of all sanitary sewer facilities.
 - c. Include a complete description of requirements relating to project phasing.
15. APPROVED BASIS OF DESIGN REPORT. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report.
16. NEW WASTEWATER FACILITIES. Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all sanitary sewer lines and wastewater related facilities necessary to serve the site. Sanitary sewer lines and wastewater related facilities shall conform to the city Wastewater System Master Plan.
17. SANITARY SEWER EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve the site.

OTHER REQUIREMENTS

18. ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS. All construction activities that disturb five or more acres, or less than five acres if the site is a part of a greater common plan, shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. [NOI forms are available in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100. Contact Region 9 of the U.S. Environmental Protection Agency at 415-744-1500, and the Arizona Department of Environmental Quality at 602-207-4574 or at web site <http://www.epa.gov/region>.

The developer shall:

- a. Submit a completed Notice of Intent (NOI) to the EPA.
- b. Submit a completed Storm Water Pollution Prevention Plan (SWPPP) to the EPA.

19. NOTICE OF INTENT (NOI). With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a copy of the NOI.
20. SECTION 404 PERMITS. With the improvement plan submittal to the Project Quality/Compliance Division, the developer' engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]
21. DUST CONTROL PERMITS. Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control. Call the county 602-507-6727 for fees and application information.
22. UTILITY CONFLICT COORDINATION. With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a signed No Conflict form (not required for city owned utilities) from every affected utility company.
23. ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIREMENTS (ADEQ). The developer shall be responsible for conformance with ADEQ regulations and requirements for submittals, approvals, and notifications. The developer shall demonstrate compliance with Engineering Bulletin #10 Guidelines for the Construction of Water Systems, and Engineering Bulletin #11 Minimum Requirements for Design, Submission of Plans, and Specifications of Sewerage Works, published by the ADEQ. In addition:
 - a. Before approval of final improvement plans by the Project Quality/Compliance Division, the developer shall submit a cover sheet for the final improvement plans with a completed signature and date of approval from the Maricopa County Environmental Services Department (MCESD).
 - b. Before issuance of encroachment permits by city staff, the developer shall provide evidence to city staff that a Certificate of Approval to Construct Water and/or Wastewater Systems has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
 - c. Before commencing construction, the developer shall submit evidence to city staff that Notification of Starting Construction has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
 - d. Before acceptance of improvements by the city Inspection Services Division, the developer shall submit a Certificate of Approval of Construction signed by the MCESD and a copy of the As-Built drawings.
 - i. Before issuance of Letters of Acceptance by the city Inspection Services Division, the developer shall:
 - ii. Provide to the MCESD, As-Built drawings for the water and/or sanitary sewer lines and all related facilities, subject to approval by the MCESD staff, and to city staff, a copy of the approved As-Built drawings and/or a Certification of As-Built, as issued by the MCESD.
 - iii. Provide to the MCESD a copy of the Engineers Certificate of Completion with all test results, analysis results, and calculations, as indicated on the form.
 - iv. Provide to the MCESD a copy of the Request for Certificate of Approval of Construction of water and/or sanitary sewer lines with all appropriate quantities.
 - v. Provide the city Inspection Services Division a copy of the Certificate of Approval of Construction, as issued by the MCESD.

August 18, 2004
Page 1

WITHEY-ANDERSON & MORRIS P.L.C.
ATTORNEYS AT LAW

August 18, 2004

Bill Verschuren
Planning Department
7447 E. Indian School Road
Scottsdale, AZ 85251

Re: NORTHEAST CORNER RAINTREE DRIVE & LOOP 101

Dear Bill:

Enclosed you will find the Citizen Participation Report for the above referenced property. If you have any questions or need any further assistance please call me. 602-230-0300. Thank you.

Very truly yours,

WITHEY ANDERSON & MORRIS P.L.C.

By 
Greg E. Linaman

GEL/ddr

Cc: Kathy Zvara
Brian Silvester

ATTACHMENT #7

CITIZEN PARTICIPATION REPORT

NEC Raintree Drive and Loop 101

33-ZN-97#3

I. Public Notice Procedures

- a. On July 16, 2004, a "Project Under Consideration" sign was posted at the site. Sign photos and an affidavit of posting have been submitted to the City under separate cover.
- b. On July 16, 2004, neighbor letters were sent to the owners of all property and all Homeowner's Associations within 750' of the site. The signed Community Input Certification form is attached as Exhibit A. A copy of the neighbor letter is attached as Exhibit B.
- c. On July 28, 2004 at 5:30 p.m., a neighborhood open house was held at the offices of Cavan Real Estate Investments (immediately adjacent to the site). The open house sign-in sheet is attached as Exhibit C.
- d. Between July 18, 2004 and August 11, 2004, the property managers and/or Presidents of the four nearest Homeowner's Associations (Desert Rose, Eagle Point, Raintree Resort Casitas, and Scottsdale Vista North) were contacted by telephone, both before and after they spoke to their respective HOA Boards regarding the Cavan proposal.

II. Public Input

The applicant and the applicant's representatives have spoken directly with the following individuals regarding this application:

- The neighbors who attended the open house.
- The HOA representatives
- Resident who called in response to the neighbor letter.

Thus far, no specific objections or concerns have been expressed regarding the application. Most of the neighbors have commented that Cavan has built a quality product and the proposed project is appropriate for the area.



CASE NO: 33ZN1997 #3

PROJECT LOCATION: 8800 E. Raintree, Scottsdale, AZ 85260

COMMUNITY INPUT CERTIFICATION

In the City of Scottsdale it is important that all applicants for rezoning, use permit, and/or variances inform neighboring residents, affected school districts, and other parties that may be impacted by the proposed use, as well as invite their input. The applicant shall submit this completed certification with the application as verification that such contact has been made.

Date	Name (person, organization, etc.) and address	Contact Format		
		Meeting	Phone	Letter
7/16/04	Pam Secord, Camelot Ranch Community Association, 9362 E. Raintree Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Shirley McKinney, Desert Shadows, 9380 E. Blanche Dr., Scottsdale, Az 85260			7/16/04
7/16/04	Renee Gordon, Ladera Vista Home Owners Assoc., 9455 E. Raintree Dr. #2025, Scottsdale, Az 85260			7/16/04
7/16/04	R. Mark Rounsaville, McDowell Shadow Estates II, P.O. Box 12170, Glendale, Az 85318			7/16/04
7/16/04	Stan Friedman, Montage I & II, 9362 E. Raintree Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Palos Verdes HOA c/o AMCOR Prop. Mgmt., 15757, N. 78 th St. Ste. A, Scottsdale, Az 85260			7/16/04
7/16/04	CC Churchill, Scottsdale Hills Owner, Assoc., 13500 N. 92 nd Pl., Scottsdale, Az, 85260			7/16/04
7/16/04	Pam Secord, Visat del Rincon Homeowners Assoc., 9362 E. Raintree Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Joanie Mead, Desert Shadows, 9343 E. Karen Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Mitch Waldberg, Encantada HOA, 9369 E. Davenport, Scottsdale, Az, 85260			7/16/04
7/16/04	Nicole Radovicich, Ladera Vista Homeowners Association, 9362 E. Raintree Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	McDowell Shadow Estates II, P.O. Box 12170, Glendale, Az, 85318			7/16/04
7/16/04	Mike Glover, Montage I & II, 14748 N. 94 th Pl., Scottsdale, Az, 85260			7/16/04
7/16/04	Judy Guogolin, Patterson Ranch HOA, 8141 E. Gray Rd., Scottsdale, Az, 85260			7/16/04
7/16/04	John Long, Villa Pequena, 8820 E. Sharon Dr., Scottsdale, Az, 85260			7/16/04

7/16/04	Terra Gregory, Desert Shadows, 2400 E. Arizona Biltmore Cir, Suite 1300, Phoenix, Az, 85016			7/16/04
7/16/04	Dan Peterson, Encantada HOA, 8324 E. Hartford, Scottsdale, Az, 85255			7/16/04
7/16/04	Gary Hahn, Ladera Vista Homeowners Association, 9555 E. Raintree Dr. #1005, Scottsdale, Az, 85260			7/16/04
7/16/04	Pam Hilliard, Mira Vista Condominiums, 4645 E. Cotton Gin Loop, Phoenix, Az, 85040			7/16/04
7/16/04	Kevin Curran, Palos Verdes HOA, 9069 E. Davenport Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Judy LaBarbera, Scottsdale Hills Owners Association, 4645 E. Cotton Gin Loop, Phoenix, Az, 85040			7/16/04
7/16/04	Candace Pickell, Village at Frank Lloyd Wright Condominium Association, 3235 N. Washington St., Chandler, Az, 85225			7/16/04
7/16/04	Michael & Julia, 9079 E. Hillery Dr., Phoenix, Az, 85260			7/16/04
7/16/04	James Rienzo, 9058 E. Pine Valley Rd., Scottsdale, Az, 85260			7/16/04
7/16/04	William Hughes 8940 Palm Ridge Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Margaret Chester 26065 N. 108 th Pl., Scottsdale, Az, 85255			7/16/04
7/16/04	Daniel Helfant & Jacquelyn Kozaryn 8930 E. Florade Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Kenneth & Allison Leeds 9096 E. Butherus Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Laureinne Naumann 9011 E. Wincomb, Scottsdale, Az, 85259			7/16/04
7/16/04	Jeanette Dalgie 9 Cabot Dr., Essex Junction, VT, 05452			7/16/04
7/16/04	GHA Office Venture LLC 8998 E. Raintree Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Allan & Kathleen Kehring 9025 E. Hillery Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Mihaila & Adina Luca 14757 N. 90 th Pl., Scottsdale, Az, 85260			7/16/04
7/16/04	Mall at the Crossroads Inc. 19208 59 th Dr. NE, Arlington, WA, 98223			7/16/04
7/16/04	Jerry Palmese 9042 E. Butherus Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Clothing Sales & Financing Corporation 8261 E. Evans Rd. 103, Scottsdale, Az, 85260			7/16/04
7/16/04	Bernardita Thomas 8959 E. Palm Ridge Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	James & Beth Gaskin 9060 E. Butherus Dr., Scottsdale, Az, 85260			7/16/04

7/16/04	Par 5 Partners LLC 120 W Harvest Dr., Lincoln, NE, 68521			7/16/04
7/16/04	John & Christine Holmgren 18 Wilson St., Brentwood, NY, 11717			7/16/04
7/16/04	George & Terri Magee 9024 E. Butherus Dr., Scottsdale, AZ, 85260			7/16/04
7/16/04	Josef & Maria Jana 14721 N. 90 th Pl., Scottsdale, Az, 85260			7/16/04
7/16/04	Julian & Kerry Anderson 9044 E. Hillery Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Department of Transportation of Arizona State 205 S. 17 th Ave. Ste. 612E, Phoenix, Az, 85007			7/16/04
7/16/04	8960 Raintree LLC 8960 E Raintree Dr. No 100, Scottsdale, Az, 85260			7/16/04
7/16/04	Federico & Doris De La Garza 8954 E. Floriade Dr., Scottsdale, AZ. 85260			7/16/04
7/16/04	Eden Sun Enterprises LLC 7305 E Royal Palm, Scottsdale, AZ, 85258			7/16/04
7/16/04	Barbara Darley 8952 E. Palm Ridge Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Donna Dudon 8842 E Palm Ridge Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	David Michael & Mary Waddle 14886 N. 91th Pl., Scottsdale, Az, 85260			7/16/04
7/16/04	Edward & Amelia Xander 9033 E Helm Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Arron & Gerald Sak 8034 S Del Caverna, Scottsdale, Az,			7/16/04
7/16/04	Petrus & Jelen Hugo 8935 E Palm Ridge Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Lubica Briestensky 14776 N. 90 th Pl., Scottsdale, AZ, 85260			7/16/04
7/16/04	Laurence & Lisa Webster 15006 N 90 th St., Scottsdale, Az, 85260			7/16/04
7/16/04	Michelle Geving 9023 E Winchcomb Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Marvin Rubenstein 8946 E Floriade Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Eugene Wesolowski 464 W Cherry Lynn, Phoenix, Az, 85013	7/28/04		7/16/04
7/16/04	Jeffery Dubois 8964 E Palm Ridge Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Mammoth Scottsdale II LLC 20532 El Toro Rd Ste 302, Mission Viejo, CA, 92698			7/16/04
7/16/04	Herbert & Beverly Morton 8810 E Palm Ridge Dr., Scottsdale, Az, 85260			7/16/04

7/16/04	Yozipovic Properties LLC 8940 E. Raintree Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Robert Zimmerman 9069 E Pine Valley Rd, Scottsdale, Az, 85260			7/16/04
7/16/04	Scott Cowan & Raymond Roxanne 8942 E Palm Ridge Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Laslo & Anna Kiss 14794 N 90 th Pl., Scottsdale, Az, 85260			7/16/04
7/16/04	Shirley Seal 9011 E Palm Ridge Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Winchcomb Investment Co Inc 900 Walnut St #520			7/16/04
7/16/04	Bruce & Mary Ann Travitz 9033 E Pine Valley Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	City of Scottsdale 3939 Civic Center Blvd., Scottsdale, Az, 85251			7/16/04
7/16/04	Antonietta Rinaldi 8858 E Palm Ridge Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Mary Babbini 9027 E Winchcomb Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Thomas & Jennifer Lang 9004 E Helm Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Gregory Brown 14307 E Hawknest Rd, Scottsdale, Az, 85262			7/16/04
7/16/04	Phil & Whitney Pilleggi 9078 E Butherus Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	William & Kathie Bolt 9022 E Pine Valley Dr., Scottsdale, Az, 85260			7/16/04
7/16/04	Michael & Linda Goodwin 9018 E Pine Valley Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	George Goodwin & Olivia Dayinlan 15144 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Raintree Corporate Center Holdings LLC 8960 E Raintree 100, Scottsdale, Az, 85260			7/16/04
7/16/04	Mall at the Crossroads Inc. 19208 59 th Dr. NE, Arlington, WA, 98223			7/16/04
7/16/04	Michael Hiramne & Jeannette Chew 9032 E Hillery Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Ann Drechsler 8948 E Palm Ridge Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Ok Ja Lee 8930 E Raintree, Scottsdale, Az 85260			7/16/04
7/16/04	Charles Smith 8825 E Palm Ridge, Scottsdale, Az 85260			7/16/04

7/16/04	Tome Argiropoulos Jr. 8826 E Palm Ridge Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Matthew Perillo 14775 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Hamadi Adjmi 9003 E Winchcomb Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Arlene Hensiek 9035 E Winchcomb Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Karen Weston 11867 E Mission Ln, Scottsdale, Az, 85259			7/16/04
7/16/04	Janice Dilloro 14958 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Jerry & Maria Brandon 9041 E Butherus Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Shurwest Investment LLC 8980 E Raintree Dr Ste 100, Scottsdale, Az, 85260			7/16/04
7/16/04	Brad & Melissa Levine 9022 E Helm Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	ATA-Abadi Kamran/Bahar Farani 15054 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Elmer Ley & Emmie Lowe Ley 14838 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Thomas & Bessie Tzavaras 8007 E Hillery Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Steven Smith & Ramona Ramos 14758 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Craig Lloyd G/SN L Tr 9039 E Winchcomb Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Macias Mark Stuart/Deldra Brittany 9057 E Pine Valley Rd, Scottsdale, Az, 85260			7/16/04
7/16/04	Wal-Mart Stores Inc 1301 S E 10 th St No 1512, Bentonville, AR, 72716			7/16/04
7/16/04	Lisa Whisenant 14910 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Roger Ferguson P.O. Box 519, Rexburg, ID, 83440			7/16/04
7/16/04	Albertsons Inc P.O.Box 20, Boise, ID, 83726			7/16/04
7/16/04	Jay & Lois Berman 9026 E Palm Ridge Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Nicholas & Constance Rutzakis 9043 E Hillery Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Daniel & Linda Stephanik 14814 N 90 th Pl, Scottsdale, Az, 85260			7/16/04

7/16/04	Nicholas & Athena Anastos 9005 E Butherus Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	William Tratnack 9023 E Blanche Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	John & Barbara Hanberg 9006 E Butherus Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Carlos & Linda Teixeira 14722 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Kenzo & Fumiyo Arai 9010 E Palm Ridge Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Agron & Alma Kosta 14982 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Brain & Julie Burke 9046 E Pine Valley Rd, Scottsdale, Az, 85260			7/16/04
7/16/04	L & A Real Estate Holdings LLC 8350 E Evans Rd Bldg D Ste 2 & 3, Scottsdale, Az, 85260			7/16/04
7/16/04	Kathryn Berg 8327 E Redfield St, Scottsdale, Az, 85260			7/16/04
7/16/04	Robert & Rita Stahl 9034 E Pine Valley Rd, Scottsdale, Az, 85260			7/16/04
7/16/04	Ruth Weil 8983 E Palm Ridge Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	James Bernard 8923 E Palm Ridge Dr, Phoenix, Az, 85260			7/16/04
7/16/04	Dale & Kathleen Stanley 9097 E Hillery Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Jennifer Sposato 9000 E Palm Ridge Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Hartleb Dorothy A/ Benton Daniel/Dianna L 15126 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Marnie Hetherington 9035 E Blanche Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Rizvi Syed Ali N 8976 E Palm Ridge Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Frank & Joann Nagy 8809 E Palm Ridge Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Flavia Nomicos 9015 E Wincomb Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Desert Rose Owners Association 9362 E Raintree Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Arlene Kennedy 9068 E Hillery Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Lois Levick 9019 E Wincomb Dr, Scottsdale, Az, 85260			7/16/04

7/16/04	Bahram & Jeannette Toghiani 9056 E Hillery Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Elizabeth & Kelly Spies 248 Lakeshore Dr 5, Arnolds Park, IA, 51331			7/16/04
7/16/04	Barbara Davenport & Robert Rath 9034 E Helm Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Paul & Carol Robinson 9021 E Pine Valley, Scottsdale, Az, 85260			7/16/04
7/16/04	Mark & Rayann Larsen 9077 E Butherus Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Wolffs Properties LLC 1612 E Crescent WY, Chandler, Az, 85249			7/16/04
7/16/04	Nick & LauraLee Gaudio 14739 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Jon & Dana Kitchen 14793 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Vrej Khashvadjan & Ann Andonyan 9010 E Pine Valley Rd, Scottsdale, Az, 85260			7/16/04
7/16/04	8970 Raintree LLC 8970 E Raintree, Scottsdale, Az, 85260			7/16/04
7/16/04	Henry Eugene Edwin 14740 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Thomas & Emily Chia 9023 E Butherus, Scottsdale, Az, 85260			7/16/04
7/16/04	Salvatore Fiannaca 8947 Palm Ridge Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Donald James Clarke & Krystal Evans 14862 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Brian & Bonita Calendine 15030 N 90 th Pl, Scottsdale, Az, 85260			7/16/04
7/16/04	Raintree Corporate Center Holdings LLC 8962 E. Raintree 100, Scottsdale, Az, 85260			7/16/04
7/16/04	Dana Mann 8958 E Palm Ridge Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Charles & Jean Sarver 9080 E Hillery Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Barbara Bruhn 9020 E Hillery Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Scottsdale Retail Center 2320 Paseo Del Prado Bldg B, Las Vegas NV, 89102			7/16/04
7/16/04	Jerzy & Jane Jarzebowski 8908 E Palm Ridge Dr, Scottsdale, Az, 85260			7/16/04
7/16/04	Arizona Republic Service Co P.O.Box 53999 Sta 9282, Phoenix, Az, 85072			7/16/04

Raintree Corporate Center Holdings, LLC
8960 E. Raintree Suite: 100
Scottsdale, AZ 85260

July 16, 2004

Re: Approximate 11.6-acre property located at the northeast corner of
Raintree Drive and Loop 101

Dear Neighbor:


We are the owners of the above-referenced property (as shown on the attached vicinity map). In 1998 the property was rezoned (in case 33-ZN-97#2) from I-1 (Industrial) to C-2 (Commercial), subject to several stipulations to permit a variety of commercial retail uses. We have filed an application with the City of Scottsdale which simply seeks to substitute our new site plan (attached) for the prior one approved in 1998. No rezoning is being requested. The purpose of this letter is simply to let you know who we are and what we intend to build.

We feel the new site plan is far superior to the previously approved plan. As you can see, the new site plan provides for a Class "A" office building on the southern portion of the site. This office project will be compatible with and complementary to the existing developments north and east of the property, which we also developed. For the northern portion of the property, Cavan has proposed future development which, depending on market conditions, will include one or more of hotel, retail and office uses. Prior to construction, all buildings will be subject to further review by the Development Review Board to address more detailed planning issues such as landscaping specifics and building elevations.

You are invited to attend a neighborhood open house we have scheduled to give you an opportunity to meet us and ask questions you may have. The meeting will be held on July 28, 2004 beginning at 5:30 p.m. at the offices of Cavan Real Estate Investments, 8960 E. Raintree Drive, Suite 100, Scottsdale.

The City of Scottsdale Coordinator for this case is Mr. Bill Verschuren. He can be reached at (480) 312-7734 or bverschuren@ci.scottsdale.az.us. The City website address is www.scottsdaleAZ.gov/projects/ProjectsInProcess. If you have any questions or comments prior to the meeting please do not hesitate to contact Kathy Zvara of Cavan ((480) 627-700, Extension 109) or Greg Linaman of Withey Anderson & Morris ((602) 346-4601).

Sincerely,


Mark D. Cavan
Vice President

SIGN-IN

NEIGHBORHOOD MEETING NEC LOOP 101/RAINTREE July 28, 2004

NAME (Please Print)	ADDRESS	PHONE NO.	Email Address
1. Rita + Robert Slam	9034 E. Pine Valley	480 314 4111	
2. E. Wesolowski	4184 W. Cherry Lynn Dnp 850 213-4131 x2	602 219 1415	
3.			
4.			
5.			
6.			
7.			
8.			
9.			

Raintree Corporate Center Holdings, LLC
8960 E. Raintree Suite: 100
Scottsdale, AZ 85260

November 30, 2004

Re: Approximate 11.6-acre property located at the northeast corner of Raintree Drive and Loop 101

Dear Neighbor:

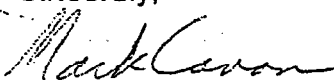
As you may recall from our previous letter dated July 16, 2004, we are the owners of the above-referenced property (as shown on the attached vicinity map). In that letter we explained that the property was rezoned in 1988 (in case 33-ZN-97#2) from I-1 (Industrial) to C-2 (Commercial), subject to several stipulations to permit a variety of commercial / retail uses. We have filed an application with the City of Scottsdale which simply seeks to substitute a new site plan for the one approved in 1988. No rezoning is being requested. This follow-up letter is simply a courtesy to let you know that the site plan sent with our previous letter has been slightly updated. The new site plan is attached hereto.

As you can see, we still intend to develop a Class "A" office building on the southern portion of the property. This building will be compatible with and complementary to the existing developments north and east of the property which we also developed. The only significant changes to the site plan are (a) the revised building is now significantly smaller, (b) the configuration of the building has been slightly changed, and (C) a parking garage will likely be added to reduce the amount of surface parking. Our plans for the northern portion of the property have not changed.

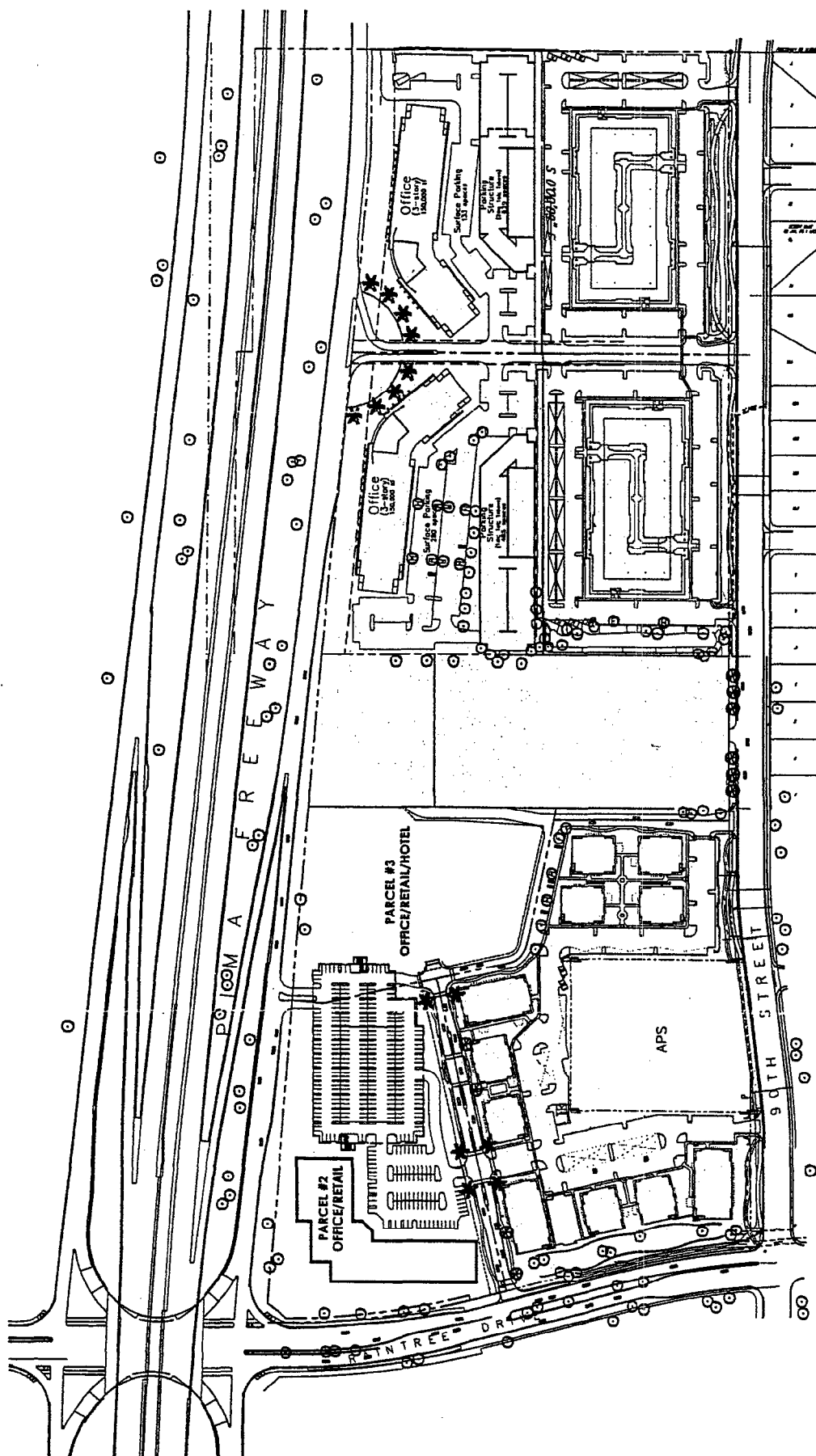
We believe these minor changes will only enhance the project and do not affect compatibility with surrounding properties in any way. Please be aware that, prior to construction, all buildings will be subject to further review by the Development Review Board to address more detailed planning issues such as landscaping specifics and building elevations.

If you have any questions, please do not hesitate to contact our representative Greg Linaman of Withey Anderson & Morris. He can be reached by phone at (602) 230-0600, by facsimile at (602) 212-1787, or by email at gel@wamplc.com. The City of Scottsdale Coordinator for this case is Mr. Bill Verschuren; Bill can be reached by phone at (480) 312-7734 or by email at bverschuren@ci.scottsdale.az.us. You are also welcome to contact Kathy Zvara of Cavan ((480) 627-700, Extension 109).

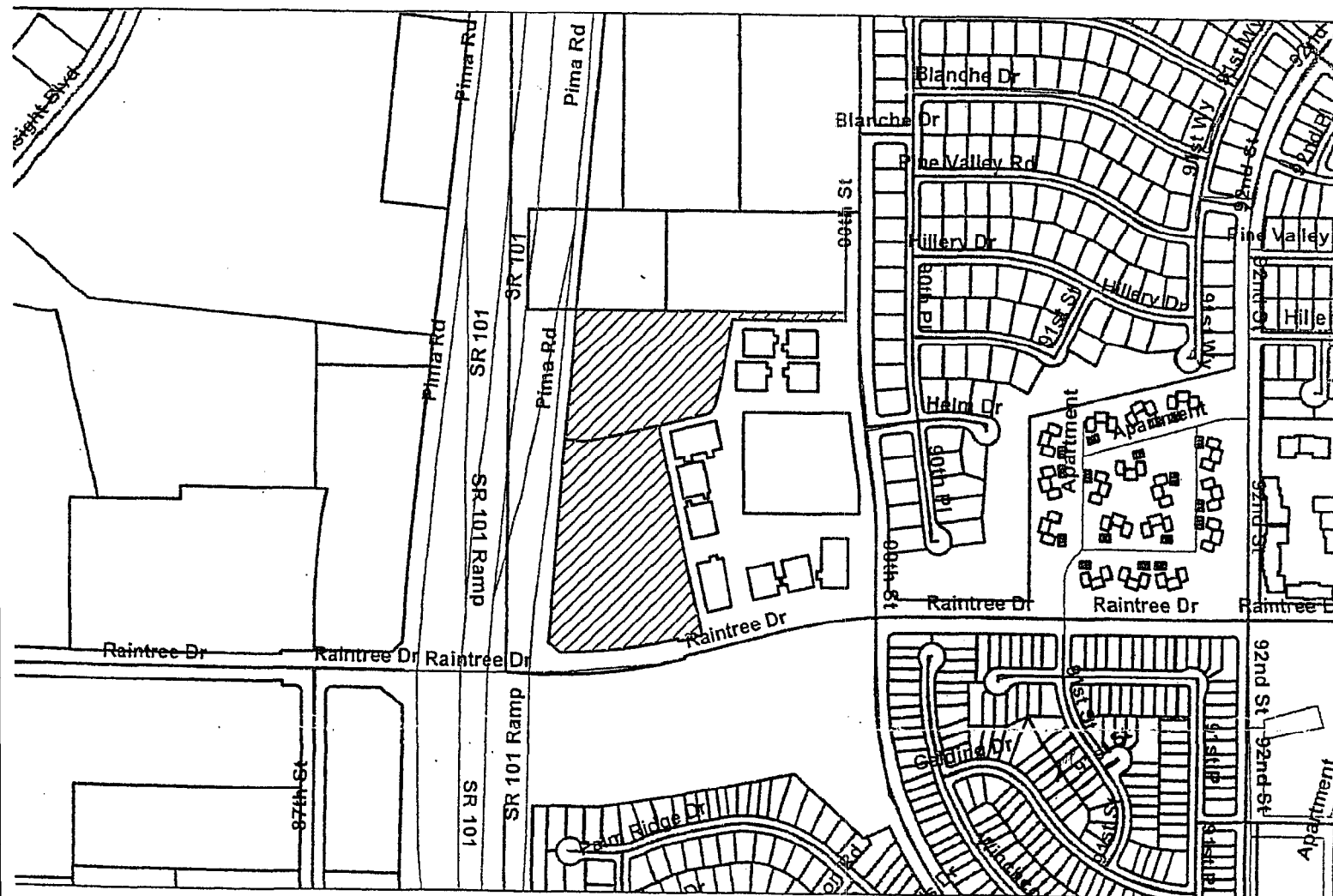
Sincerely,



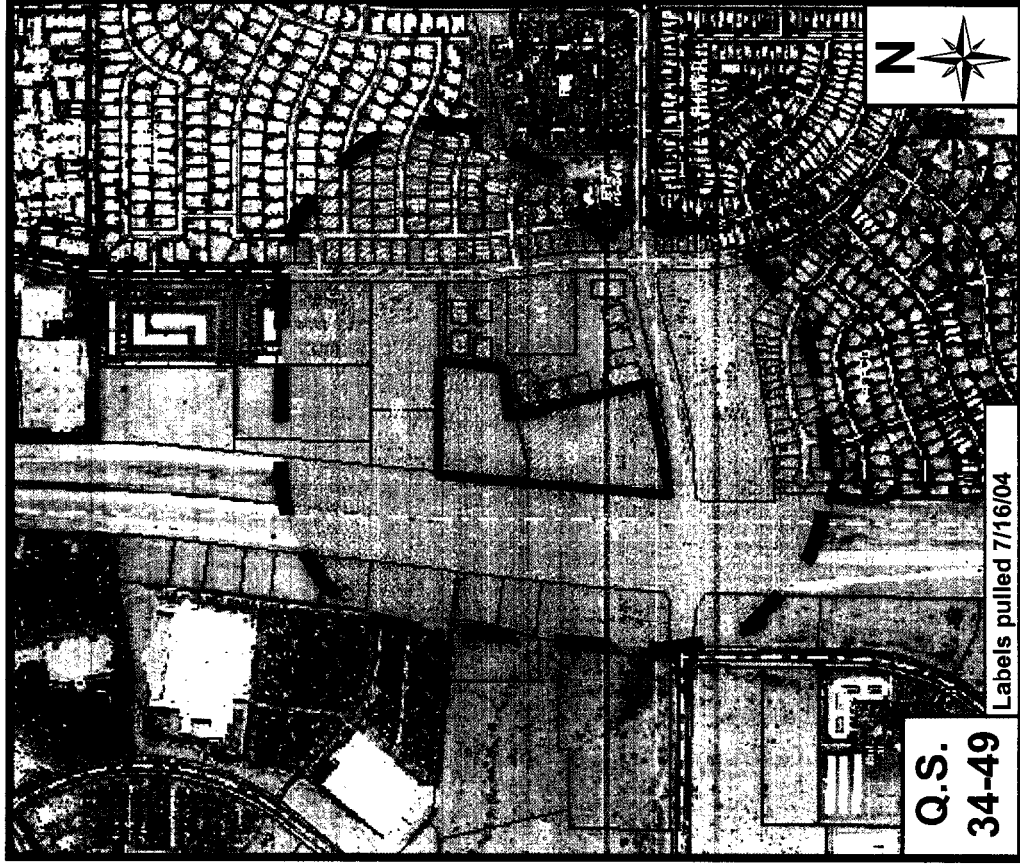
Mark D. Cavan
Vice President




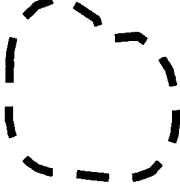
County Parcels



City Notifications – Mailing List Selection Map



Map Legend:

-  Site Boundary
-  Properties within 750-foot

Additional Notifications:

- Interested Parties List
- Coalition of Pinnacle Peak
- Adjacent HOAs

Raintree Corporate Center

33-ZN-1997#3

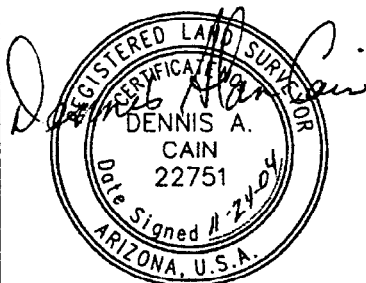
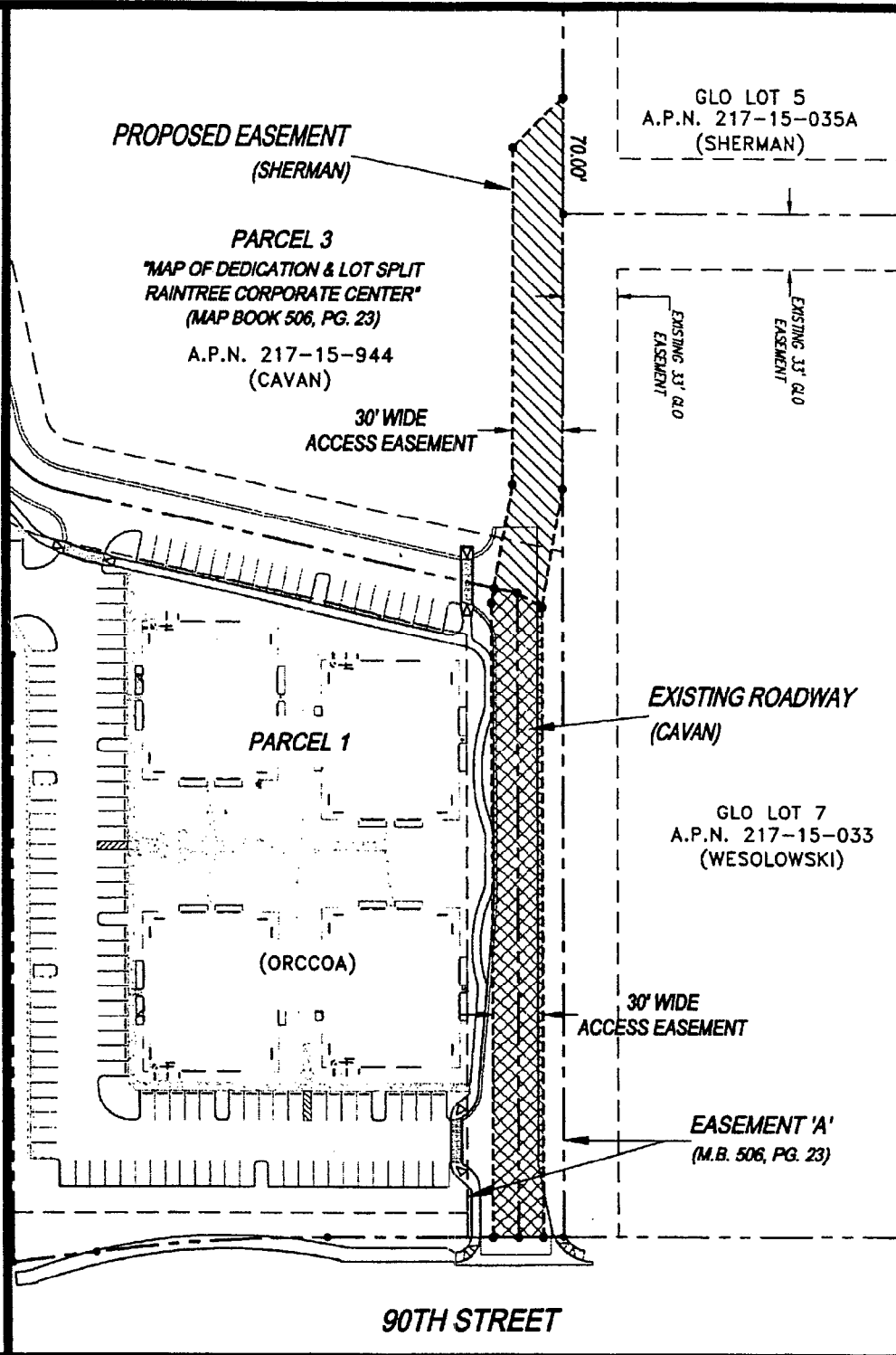
ATTACHMENT #8

**LEGEND
SHARED ACCESS
RESPONSIBILITIES**

EXISTING
ROADWAY
(CAVAN) 

PROPOSED
EASEMENT
(SHERMAN) 

Note: "ORCCOA" stands for
The Offices at Raintree
Corporate Center Owners
Association.



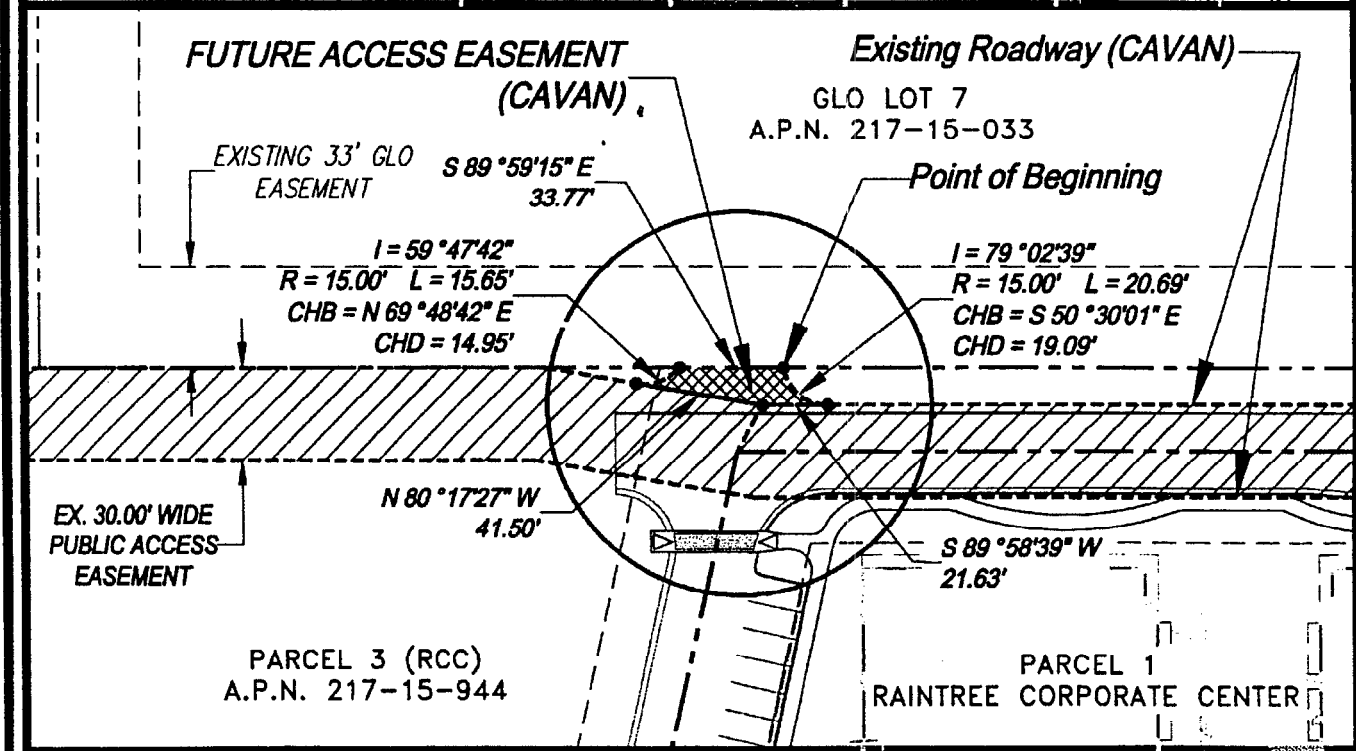
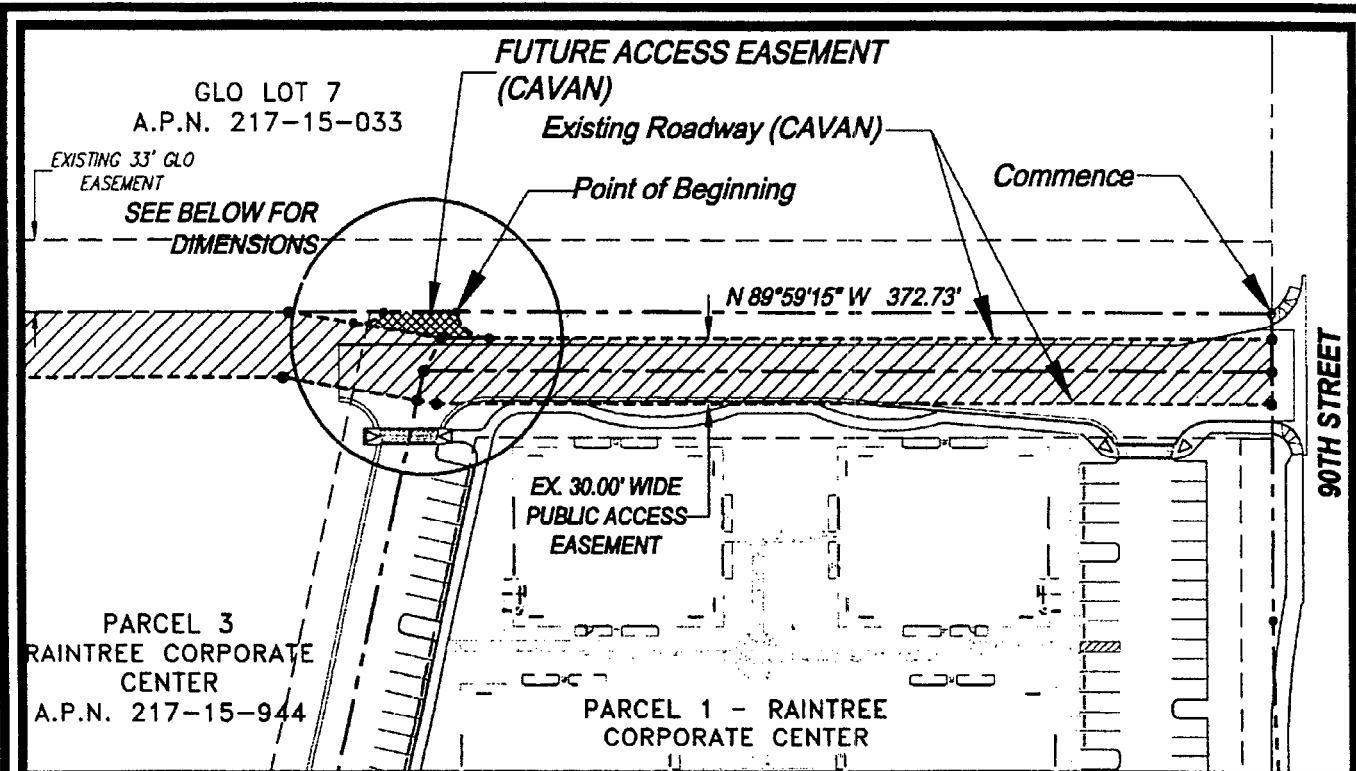
NOT TO SCALE

PROPOSED SHARED ACCESS EXHIBIT
A.P.N. 217-15-035A & A.P.N. 217-15-944
ENCUMBERING PARCELS 1 AND 3, "MAP OF DEDICATION & LOT SPLIT
RAINTREE CORPORATE CENTER", PER MB 506, PG 23
PART OF WEST 1/2, SECTION 7, T. 3N., R. 5E.
G. & S. R. B. & M., MARICOPA COUNTY, ARIZONA

Prepared by: DAC Consulting, Inc.

Date: Nov. 24, 2004

File: RCC4-1.dwg.v1



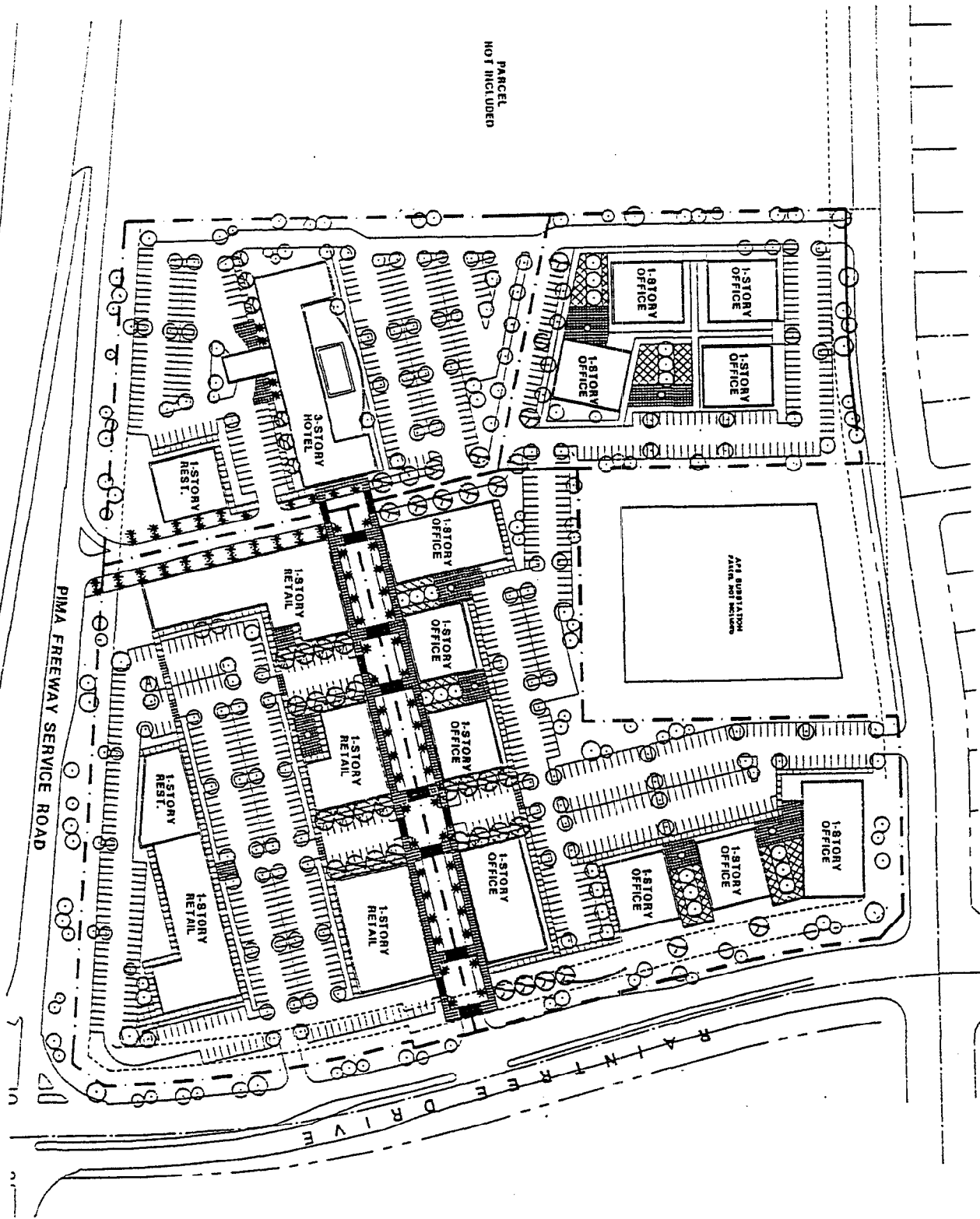
NOT TO SCALE

EXHIBIT 'B'
RECIPROCAL ACCESS EASEMENT EXHIBIT
FROM A.P.N. 217-15-944

NORTH 90TH STREET - SCOTTSDALE, AZ
ENCUMBERING A.P.N. 217-15-944
PART OF WEST 1/2, SECTION 7, T. 3N., R. 5E.
G. & S. R. B. & M., MARICOPA COUNTY, ARIZONA

Prepared by: **DAC Consulting, Inc.**
Date: Nov. 24, 2004
File: RCC4-1.dwg.v6

PARCEL
NOT INCLUDED



THE VILLAGE AT RAIN TREE

CAVAN INVESTMENTS L.T.D. NOT TO SCALE

NELSEN ARCHITECTS, INC.

APPROVED SITE PLAN FROM
33-ZN-97#2

Attachment #11

RAINTREE CORPORATE CENTER

PIMA ROAD AND RAIN TREE DRIVE
SCOTTSDALE, ARIZONA

NELSEN
ARCHITECTS, INC.

700 S. GARDENWAY ROAD SUITE 100 SCOTTSDALE, ARIZONA 85061
PHONE (602) 948-5800 FAX (602) 948-5801

ATTACHMENT #6

DATE

A102



would end on its own or does it give you carte blanche over the next 35 years. Mr. Grant replied it would be our desire that it is an ongoing process. He reviewed how they anticipate this process to work. Commissioner Barnett inquired if the more substantive type things would come through the regular process and this is carte blanche for administrative things. Mr. Grant replied that is an excellent clarification. This is to clear up those things that we have seen a problem. If we see major issues such as an update to ESL or some other ordinance that is significant, we would bring that through a separate text amendment.

COMMISSIONER STEINKE MOVED TO INITIATE 5-TA-2004 A TEXT AMENDMENT TO AMEND ALL SECTIONS OF THE CITY OF SCOTTSDALE ZONING ORDINANCE (455). SECOND BY COMMISSIONER SCHWARTZ.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

CHAIRMAN GULINO stated he has a card from Leon Spiro on cases 33-ZN-1997#3 and 9-ZN-2004. These cases have been continued to December 15, 2004.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

LEON SPIRO, 7814 E. Overlin Way, stated he knows these items have been continued to December 15, but did not believe he would be able to voice his concerns on that date. He requested a staff presentation.

MR. JONES explained that these cases are continued and staff was not prepared to give a presentation but can give an overall on both cases. Chairman Gulino stated the Commission does not feel they need a presentation but requested Mr. Spiro states his concerns.

MR. SPIRO stated the commissioners' are professionals in the development community. He inquired how many of you have ever had a vested interest or members of your family and friends have had a vested interest in the abandonment of a GLO patent easement.

CHAIRMAN GULINO reported these cases do not discuss the abandonment. The abandonment will come through as a separate case. He requested Mr. Spiro keep his comments relative to the cases at hand.

MR. SPIRO inquired what happened in 1997 and how this became an 11.5 acre parcel. He also inquired what type of easement is this. Ms. Bronski stated it is not really an easement it is a reserved access right that was reserved by the Federal Government when they were granting the GLO property to the

individuals that were under the Small Tract Act. She reiterated that it is not an easement but a reserved property right.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

EXPEDITED AGENDA

17-AB-2004 (129TH Street Abandonment) request owners to abandon the right of way for 129th Street between Cochise Road and Gold Dust Avenue and the 33 feet General Land Office patent easement on the eastern side of 129th Street.

(PULLED TO REGULAR AGENDA)

15-UP-2004 (Danny's Family Carwash) request by owner for conditional use permits for a car wash and a service station on a 2.6 +/- acre parcel located at 14651 N. Northsight Blvd with Central Business District (C-2) zoning.

(PULLED TO REGULAR AGENDA)

31-UP-2004 (Velocity Sports) request by owner for a conditional use permit for a health studio in a portion of the existing building located at 9171 E. Bell Road with Industrial Park Planned Community Development District (I-1 PCD) zoning.

33-UP-2004 (Paradise Valley Arsenic Removal Facility) request by owner for a conditional use permit for public utility buildings, structures or appurtenances thereto for public service uses on 8 +/- acres located at the 6000 block of N Miller (Cattletrack) Road with Single Family Residential District (R1-43) and Special Campus District, Historic Property (S-C HP) zoning.

(COMMISSIONER SCHWARTZ DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE VOTE.)

COMMISSIONER BARNETT MOVED TO FORWARD CASE 31-UP-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL SUBJECT THAT IT MEETS THE USE PERMIT CRITERIA. SECOND BY COMMISSIONER SCHWARTZ.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

COMMISSIONER BARNETT MOVED TO FORWARD CASE 33-UP-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL SUBJECT THAT IT MEETS THE USE PERMIT CRITERIA. SECOND BY COMMISSIONER HESS.

COMMISSIONER HEITEL MADE A MOTION TO APPROVE THE DECEMBER 1, 2004 MINUTES AS PRESENTED. SECOND BY VICE CHAIRMAN STEINBERG.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

CONTINUANCES

30-UP-2004 (Hacienda D Mexico Office/Warehouse) request by owner for a conditional use permit for furniture manufacturing and refinishing on a 1 +/- acre parcel located at 16098 N. 80th Street with industrial Park (I-1) zoning.

COMMISSIONER HEITEL MOVED TO CONTINUE CASE 30-UP-2004 TO A DATE TO BE DETERMINED. SECOND BY COMMISSIONER SCHWARTZ.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

EXPEDITED AGENDA

35-UP-2004 (Terrior Wine Bar) request by owner for a conditional use permit for a bar in an existing shopping center located at 7001 N. Scottsdale Road #157 with Central Business District, Parking District (C-2 P-4) zoning.

23-UP-2004 (Turquesa Equestrian Estates) request by owner for a conditional use permit for a community recreation (equestrian) facility on a 5 +/- acre parcel located at 28701 N. 70th Street (northeast corner of Dale Lane and 70th Street) with Single Family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning.

14-ZN-2004 (94th Street) request by owner to rezone from Single Family Residential Environmentally Sensitive Lands District (R1-35 ESL) to Single Family Residential Environmentally Sensitive Lands District (R1-10 ESL) with amended development standards on a 25 +/- acre parcel located at 18001 N. 94th Street.

33-ZN-1997#3 (Raintree Corporate Center) request by owner for site plan/stipulation amendments to case 33-ZN-1997#2 on 11 +/- acres located at the northeast corner of Raintree Drive and the Loop 101 frontage road with Central Business District (C-2) zoning.

9-ZN-2004 (Pima Corridor Rezone) request by owner to rezone from Single Family residential District (R1-35) to Industrial Park District (I-1) on a 2 +/- acre parcel located north of northeast corner of Pima Freeway and Raintree Drive.

**COMMISSIONER HEITEL MOVED TO FORWARD CASE 35-UP-2004
SUBJECT THAT IT MEETS THE USE PERMIT CRITERIA; CASE 23-UP-2004
SUBJECT THAT IT MEETS THE USE PERMIT CRITERIA; CASE 14-ZN-2004;
CASE 33-ZN-1997#3 WITH THE AMENDED STIPULATIONS, AND 9-ZN-2004
TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL.
SECOND BY COMMISSIONER SCHWARTZ.**

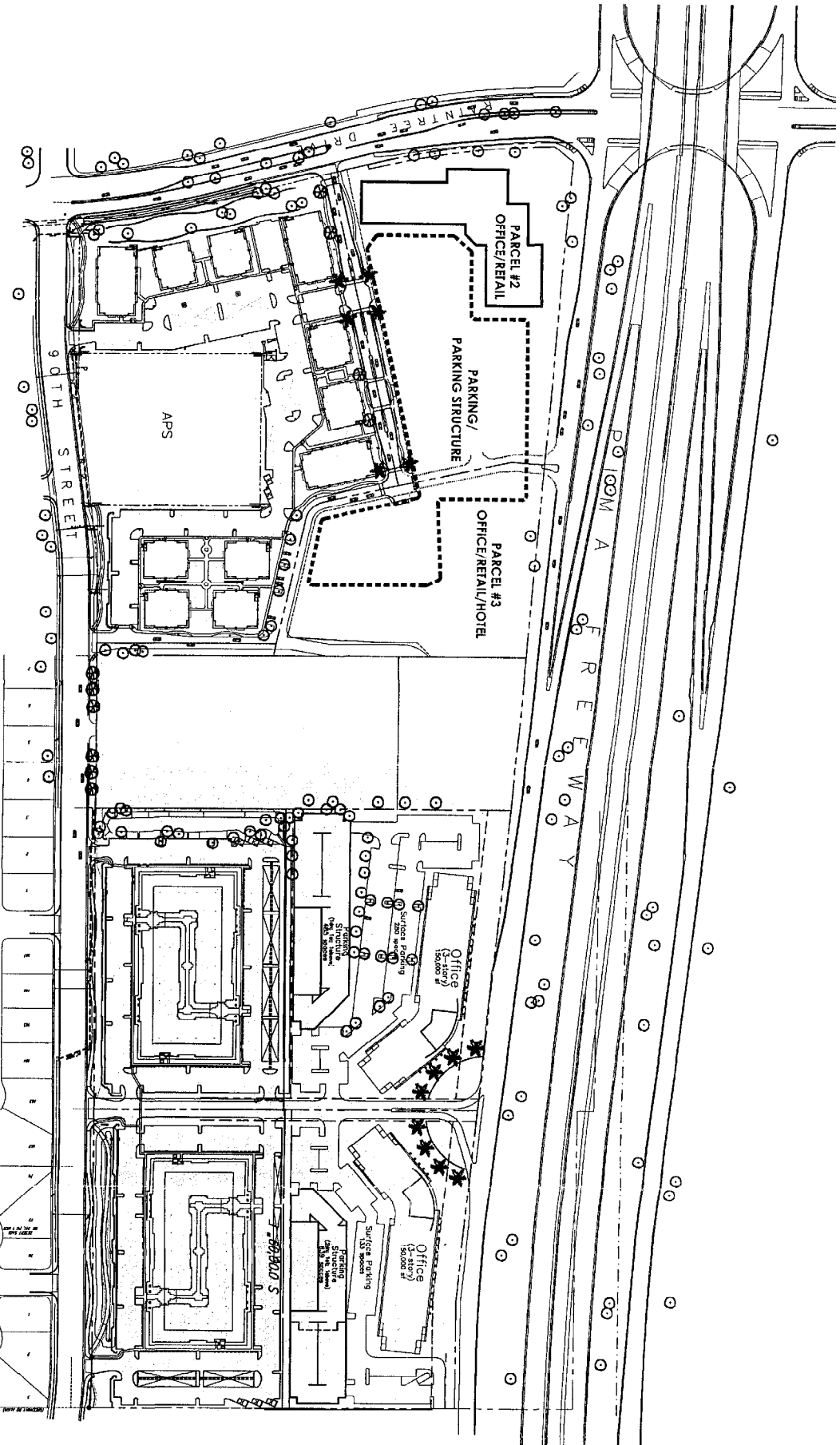
THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at approximately 5:05 p.m.

Respectfully Submitted,

"For the Record " Court Reporters



MASTER PLAN

